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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/438,630	11/12/1999	NAOKI MURAYAMA	SONYJP-3.0-0	9638

530 7590 12/04/2002

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EXAMINER

ONUAKU, CHRISTOPHER O

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 12/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.  
**09/438,630**

Applicant(s)  
**Murayama et al**

Examiner  
**Christopher O. Onuaku**

Art Unit  
**2615**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 U.S.C. § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3&6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Young et al (US 5,353,121).

Regarding claim 1, Young et al disclose a system and process that displays on a television screen, overlaying a primary television display or program, a small background schedule guide that can be easily accessed by a user during lulls in the primary television display or program, comprising:

a) receiving/selecting means for receiving digital broadcast waves and selecting a desired program (see Fig.22A);

b) program explanation (schedule information, for example) screen generating means for generating a received program explanation screen based on program explanation information in additional data of the selected program (see col.20, lines 3-13);

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c) transmitting/receiving means for transmitting a data stream obtained by multiplexing digital contents data and additional data of the selected program to record in a predetermined recording/reproduction apparatus and for receiving a data stream reproduced from the recording/reproducing apparatus (see col.19, lines 1-62);

d) supplying means for supplying the program explanation information in the additional data received in the transmitting/receiving means to the program explanation screen generating means (see CPU 228 and video switcher 226; col.20, lines 3-13); here CPU 228 and video switcher 226 control the generation and display of schedule information;

e) wherein unrelated information is omitted in the reproduction of the recording/reproduction apparatus in the case that the data stream received via the transmitting receiving means is being processed and that the program explanation screen generating means performs display processing of a reproduced program explanation screen to be displayed in reproduction (as discussed above, when a user requests to record a program, the title and other information relating to the program to be recorded are retrieved, displayed and processed for recording; data unrelated to the program to be recorded are not retrieved for display and processing).

Regarding claim 2, Young discloses wherein information identifying a reproduced screen is displayed in a predetermined position of the reproduced program explanation screen in the case that data streams received via the transmitting/receiving means is being processed and that the

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program explanation screen generating means performs display processing of the program explanation screen (see Fig.6 and program note overlay 52; col.9, lines 19-50).

Regarding claim 3, Young discloses wherein the program explanation screen generating means displays in predetermined position of the reproduced program explanation information for identifying a broadcast provider providing the program ( see claim 2 discussions and the call letters, and channel markers as information identifying a broadcast provider providing the program).

Regarding claim 6, the claimed limitations of claim 6 are accommodated in the discussions of claim 1 above.

Regarding claim 7, the claimed limitations of claim 7 are accommodated in the discussions of claim 2 above.

Regarding claim 8, the claimed limitations of claim 8 are accommodated in the discussions of claim 3 above.

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***Claim Rejections - 35 U.S.C. § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-5&9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young in view of Yuen et al (US 6,477,705).

Regarding claim 4, young fails to explicitly disclose wherein the digital contents data includes at least audio data. Yuen et al teach a method and apparatus for simultaneously displaying video programs and related text on a television screen wherein the digital content of the program being received includes at least audio data (see col.4, lines 32-54). It would have been obvious to add audio data to the received program data stream of Young, as taught by Yuen, in order to reproduce/play the audio portion of the received program data stream.

Regarding claim 5, Yuen further teaches wherein the received program explanation screen is superimposed and displayed on a picture of a received broadcast being received and the reproduced program explanation screen is superimposed and displayed on a picture being reproduced (see col.5, line 48 to col.6, line 32).

It would have been obvious to superimpose and display on a picture of a received broadcast being received the received program explanation screen and to superimpose and display

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on a picture being reproduced the reproduced program explanation screen, as taught by Yuen, in order to allow the user the opportunity to view the at the same the picture being produced with the data information on the picture being produced, thereby facilitating an editing process, for example.

Regarding claim 9, the claimed limitations of claim 9 are accommodated in the discussions of claim 4 above.

Regarding claim 10, the claimed limitations of claim 10 are accommodated in the discussions of claim 5 above.

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mankovitz (US 5,949,492) teaches broadcast media which includes radio and television and apparatus and methods for obtaining information for transmitted programs.

Aotake (US 6,411,771) teaches a picture processing apparatus/method and a recording medium being capable of carrying out search of a desired scene with ease.

Schindler et al (US 5,675,390) teach a home entertainment system having a high quality monitor to display digitally received broadband video without loss of signal quality.

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6. Any inquiry concerning this communication or earlier communications from this examiner should be directed to Christopher Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on Tuesday to Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Monday.

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Andrew Christensen, can be reached on (703) 308-9644.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

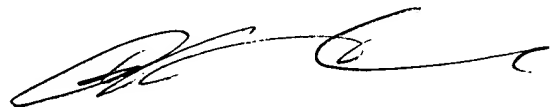
and (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to Customer Service whose telephone number is (703) 306-0377.

  
COO

11/26/02



ANDREW CHRISTENSEN  
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